

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MIDTOWN VALUATION, INC., d/b/a
EAST COAST APPRAISAL SERVICE,
a New York corporation, individually
and as the representative of a class of
similarly situated persons,

Plaintiff,

-against-

MEMORANDUM AND ORDER

No. 14-CV-1586-FB-CLP

CAPITAL ALLIANCE GROUP,
NARIN CHARANVATTANAKIT, and
JOHN DOES 1-10,

Defendants.

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Appearances:

For the Plaintiff:

JEFFREY I. CARTON, ESQ.
Denlea & Carton LLP
2 Westchester Park Drive, Suite 410
White Plains, New York 10604

For the Defendants:

CHARLES C. DEMARTINO, ESQ.
Ledy-Gurren, Bass, D'Avanzo & Siff, LLP
7-11 South Broadway, Suite 208
White Plains, New York 10601

BLOCK, Senior District Judge:

On August 11, 2015, Magistrate Judge Pollak issued a Report and Recommendation ("R&R") recommending that plaintiff's motion for class certification be denied without prejudice to renewal with additional evidence of numerosity. The R&R recited that "[a]ny objections to this Report and Recommendation must be filed with the Clerk of the Court within fourteen (14)

days of receipt of this Report,” and that “[f]ailure to file objections within the specified time waives the right to appeal the District Court’s order.” R&R at 18. The R&R was electronically served on all parties the same day it was issued. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court, however, will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts it without *de novo* review.

SO ORDERED.

/S/ Frederick Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 2, 2015